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EG&G ROCKY FLATS, INC
ROCKY FLATS PLANT, P O BOX 464, GOLDEN COLORADO 80402 0464 • (303) 966 7000

July 17, 1992

92-RF-7991

Terry ~~Ten Eyck~~ **TEN EYCK**
c/o Carlson Assoc, Inc
11990 Grant Street **#400**
Northglenn, CO 80233

USE AGREEMENT FOR OFFSITE SAMPLING - MG-030-92

Dear Terry

As discussed in our telephone conversation, I am requesting a Use Agreement on behalf of EG&G Environmental Management to support the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), RCRA Facility Investigation/Remedial Investigation (RFI/RI) for Operable Unit No 3 (OU 3). This letter contains a request for access with enclosures that describes general information on the sampling activities, maps showing proposed sampling locations, and a Use Agreement for signature. The planned field sampling activities are described in the OU 3 RFI/RI Work Plan. This document has been reviewed and approved by the Environmental Protection Agency and the Colorado Department of Health.

I will be happy to meet with you to discuss the OU 3 sampling plan and our request for access, if questions should arise.

Please review the enclosed Use Agreement. Modifications to this agreement can be made to address specific concerns. Please sign and return both duplicate originals to me. Following signatures from DOE and EG&G officials, I will return one copy for your files. If you should have further questions, please feel free to call me at 966-8557.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Guillaume', followed by a horizontal line.

M. Guillaume, OU 3 Manager
EM/Remediation Programs Division

cet

Enclosures
As Stated

cc
Administrative Record

1/15

ADMIN RECCRD
SW-A-003532

Use Agreement No
U S Department of Energy
Interagency Agreement
OU 3 Offsite Program

USE AGREEMENT

This USE AGREEMENT is entered into between the UNITED STATES OF AMERICA (hereinafter referred to as the "Government"), acting through the DEPARTMENT OF ENERGY (hereinafter referred to as "DOE"), and Walnut Creek & Associates (hereinafter referred to as the "Grantor"),

WITNESSETH THAT

WHEREAS, DOE, through its authorized representatives, agents, contractors, and subcontractors desires to perform, pursuant to Public Laws 95-91, Department of Energy Organization Act, and 96-463, Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended by 99-499, Superfund Amendments and Reauthorization Act of 1986, certain data-gathering, testing, exploration, and other work on the Grantor's portion of property as shown within Parcel "A" on the map attached hereto as Exhibit A in connection with DOE's Interagency Agreement dated January 22, 1991 and

WHEREAS, the Grantor owns and controls the property designated in Exhibit A,

NOW THEREFORE, it is agreed that

- 1 The Grantor owns and controls certain real property (hereinafter referred to as the "Property"), designated in Exhibit A, and hereby grants to DOE, its authorized representatives, agents, contractors, and subcontractors without payment of any land use charge, right of entry in, across, and over the Property to carry out the environmental monitoring activities as described in Exhibit B, PROVIDED, that such right of entry is subject to existing easements for public roads and highways, public utilities, railroads and pipelines, PROVIDED FURTHER, that such grant of right of entry reserves to the Grantor, his heirs, executors, administrators, successors and assigns, all right, title, interest and privilege as may be used and enjoyed without interfering with or

WCA
3/11/92

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Use Agreement No.

abridging the rights hereby granted to DOE, its authorized representatives, agents, contractors, and subcontractors

- 2 The Government shall be responsible for any loss or destruction of, or damage to, the Grantor's real and personal property caused by the activities of DOE in exercising any of the rights hereby granted in this Use Agreement PROVIDED, that such responsibility shall be limited to restoration of such real and personal property to a condition comparable to its condition on the effective date of the Use Agreement by techniques of back-filing, seeding, sodding, landscaping, repair or replacement, and such other methods as may be agreed to between the parties, subject to the availability of appropriated funds
- 3 The provisions of this Use Agreement shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, personal representatives, successors, and assigns of the Grantor. The Grantor shall notify the Realty Officer if the Property is, or at any time during the term of the Agreement should become leased, sold, or otherwise transferred to another party. The "Realty Officer" means the person executing this Use Agreement on behalf of the Government, and any other officer or civilian employee who is properly designated Realty Officer; and the term includes, except as otherwise provided in this Use Agreement, the authorized representative of a Realty Officer acting within the limits of his authority. The Grantor shall also give written notice to any purchaser, lessee, or transferee of the applicability of the rights of the Government contained in this Use Agreement when such purchase, lease, or transfer takes place during the term of this Use Agreement.
- 4 The effective date of this Use Agreement shall be the date of execution by the Government. The term of this Use Agreement shall commence on the effective date hereof and shall continue for three years unless sooner terminated by the Government or Grantor by sixty-day prior written notice to the other.

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116

Use Agreement No

- 5 Title to all personal property brought to the Property by DOE during the term of this Use Agreement shall remain in the Government, and such title shall not be effected by incorporation or attachment thereof to any property not owned by the Government, nor shall such personal property, or any part thereof, become a fixture or lose its identity as personal by reason of affixation to any realty DOE shall remove all such personal property no later than 90 days after the expiration or termination of the Use Agreement

The Grantor shall not be liable for any loss of or damage to Government-owned or Government-Furnished property, or for expenses incidental to such loss or damage, except that the Grantor shall be responsible for any such loss or damage (including expenses incidental thereto) which results from the willful misconduct, gross negligence, or lack of good faith of the Grantor

6. The Government shall have unlimited rights in all technical data first produced or specifically used in the performance of the work and experiments in connection with this Use Agreement. Further, technical reports from DOE contractors or subcontractors shall be required for delivery to the Government and shall be made available to the public without restriction. For the purposes of this Use Agreement, the terms "technical data" and "unlimited rights" shall have the same meaning as provided in 927 401/Department of Energy Acquisition Regulation (DEAR).

COPY OF DATA OBTAINED TO BE RETURNED TO GRANTOR.

7. DOE shall obtain all necessary permits or licenses and abide by all applicable Government, state, and local laws, regulations, and ordinances.

8. If the Property is subject to any leases, subleases, or assignments of rights, the Grantor shall obtain the consent of the lessors, lessees, sublessees, and assignees as appropriate, to enter into this Use Agreement Such consent shall be evidenced by their signatures in the space provided on the signature page.

Use Agreement No

In WITNESS WHEREOF, the parties hereto have executed this Use Agreement in several counterparts

GRANTOR UNITED STATES OF AMERICA
WALNUT CREEK ASSOC. DEPARTMENT OF ENERGY

By

Terry T. Eych
Terry T. Eych

By

Steven R. Schiesswohl

Steven R. Schiesswohl
RFO Realty Officer
Property & Information
Management Branch

Rocky Flats Office

P O Box 928

Golden, Colorado

80402-0928

Date

7.22.92

Date

3/2/93

Concurred by EG&G Rocky Flats, Inc
DOE Contractor, contract number
DE-AC04-90DP62349

By

V. J. Benedict

Title

AGM ERM

Date

1-8-93

Consented to:

Names

Interest

Signature

Exhibit A: Map

Section 4

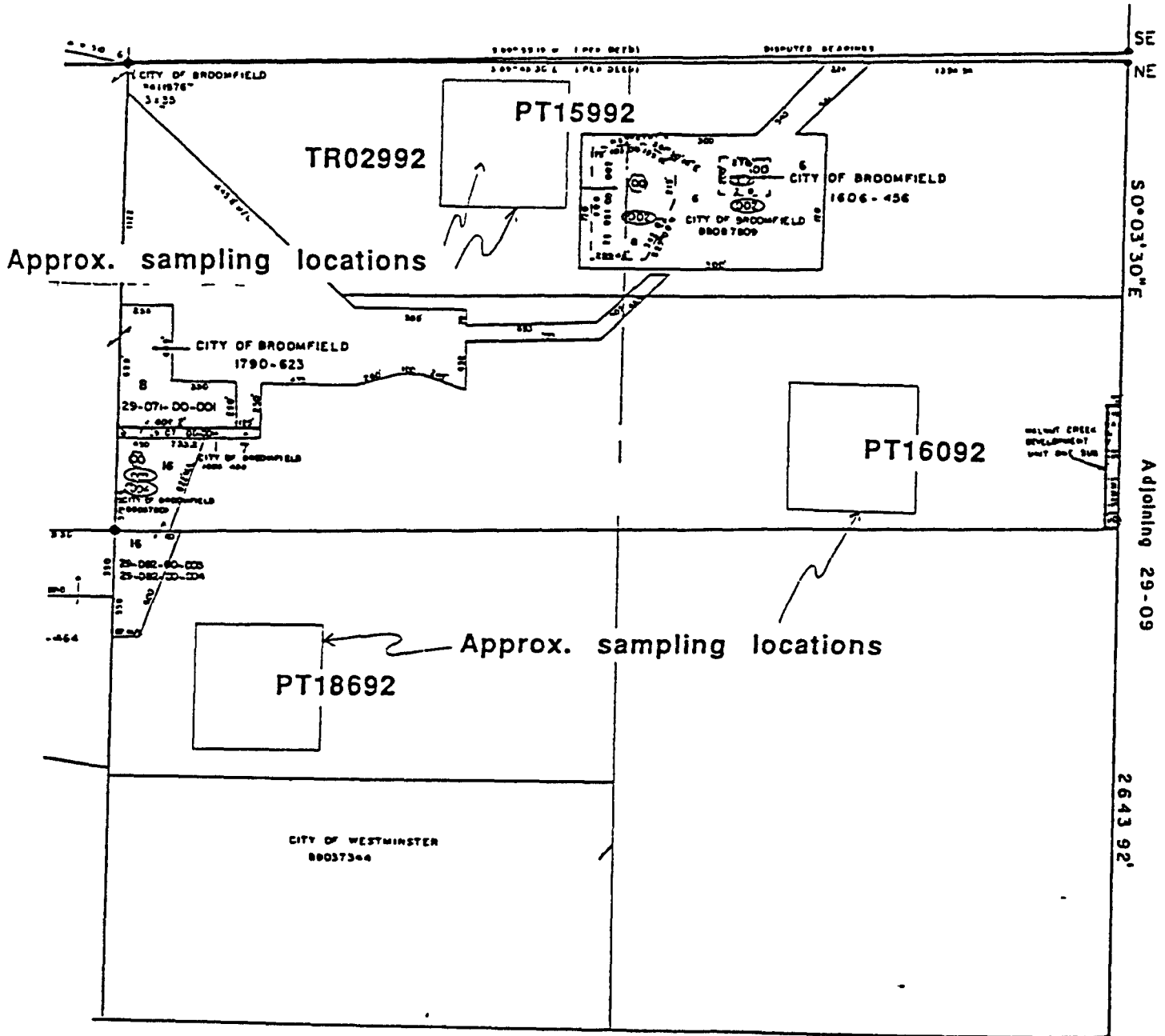
T.2S. R.69W.

Proposed Sampling Locations

PT 16092, PT18692, TR02992

Owner: Walnut Creek Associates

PT16092, PT18692, PT15992 & TR02992



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T112

EXHIBIT B

OU 3 RFI/RI SAMPLING ACTIVITY DESCRIPTIONS -WALNUT CREEK ASSOCIATES

The planned OU 3 sampling activities are detailed in the RFI/RI Work Plan. The Work Plan outlines the purpose, objectives, rationale and methods used to evaluate the presence or absence of contamination within OU 3. The Work Plan is based on the requirements of the Interagency Agreement (IAG) between the Department of Energy (DOE), the Environmental Protection Agency (EPA) and the State of Colorado Department of Health (CDH).

OU 3 sampling activities began in April, 1992 and are scheduled for completion by spring of 1993. A Final RFI/RI Report which details the results and conclusions from this study is scheduled for completion in January, 1994. The Access Agreement period is extended for three years to cover any follow up activities that may be required during development of the Final RFI/RI Report.

The map, attached to this correspondence, shows locations of most sampling activities. Sample locations will be surveyed prior to, or during the sampling event. Field adjustments could be made at the time of sampling to adjust specific sampling locations. Access across Walnut Creek Associates property may also be needed to sample adjacent property locations.

Sampling activities will not adversely effect environmental resources. OU 3 sampling activities on Walnut Creek Associates property involve collection of soil and environmental data. The following paragraphs provide a general description of the sampling activities.

SOIL SAMPLING

A surface soil sample involves removing one quarter to one half inch of surface soil from a 3 X 3 inch square in 25 locations within a ten acre plot.

A soil pit is an intrusive soil sampling activity that will require restoration upon completion. A backhoe is used to dig a four foot deep pit. Soil samples are then taken at selected intervals from the exposed face of soil. After sampling, the pit will be backfilled, seeded with native plant species and mulched to protect the surface soil during vegetation reestablishment. Soil pits can be sampled within one day, but if a pit is left unattended for any length of time the location will be clearly marked to avoid accidents. The map sample number designation is TR.

ENVIRONMENTAL SAMPLING

Environmental sampling on Walnut Creek Associates property involves collection of soil, vegetation and animal parameters. The range of environmental sampling is quite diverse. Environmental sampling can range from plant species identification and small mammal trapping to seasonal bird counts. In most cases, animal collection involves live trapping to obtain information on species type and population numbers. The animals are then released. Some animal tissue samples may be taken. The location of the environmental sampling will be colocated with the soil sampling.

WCA by
Tlb

DRAFT Paperwork

Terry TenEyck

Dear Dave

As discussed in our telephone conversation, I am requesting a Use Agreement on behalf of EG&G-Environmental Management to support the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), RCRA Facility Investigation/Remedial Investigation (RFI/RI) for Operable Unit 3 (OU 3). This letter contains a request for access with enclosures that describe general information on the sampling activities, maps showing proposed sampling locations, and a Use Agreement for signature. The planned field sampling activities are described in the OU 3 RFI/RI Work Plan. This document has been reviewed and approved by the Environmental Protection Agency and the Colorado Department of Health.

I will be happy to meet with you to discuss the OU 3 sampling plan and our request for access, if questions should arise.

Please review the enclosed Use Agreement. Modifications to this agreement can be made to address specific concerns. Please sign and return both duplicate originals to me. Following signatures from DOE and EG&G officials, I will return one copy for your files. If you should have further questions, please feel free to call me at 966-8557.

CONTACTS -

M. Guillaume, OU 3 Manager
Remediation Programs Division

7/14 457-2966 reaches Carlson & Assoc
Talked w/ office
Terry will be back in office Thur 7/16

cc
Administrative Record

→ 252-8230 Fax -

7/16 - discussed w/ Terry - will Fax over Agreements

93 RF 3266

EG&G ROCKY FLATS, INC
ROCKY FLATS PLANT, P O BOX 464, GOLDEN, COLORADO 80402 0464 • (303) 966 7000

93-RF-3266

Terry Ten Eyck
c/o Carlson Associates, Inc.
11990 Grant Street, #400
Northglenn, CO 80233

USE AGREEMENT FOR OFFSITE SAMPLING - MG-016-93

Dear Terry

I have enclosed a copy of the Use Agreement with the Department of Energy (DOE) with original signatures for your records. I appreciate your cooperation in obtaining access to this property. The soil sample obtained from this property will help support an important environmental study.

If you should have further questions, please feel free to call me at 966-8557

Sincerely,

Michael J. Wehner

M Guillaume, OU 3 Manager
Remediation Project Management

dmf

cc
Administrative Record

CLASSIFICATION

UCNI		
UNCLASSIFIED		
CONFIDENTIAL		
SECRET		

**AUTHORIZED CLASSIFIER
SIGNATURE**

DOCUMENT CLASSIFICATION
REVIEW WAIVER PER
CLASSIFICATION OFFICE

IN REPLY TO RFP CC NO

ACTION ITEM STATUS
☐ OPEN ☐ CLOSED

☐ PART A

LTR APPROVALS
MBA. JMY
ORIG & TYPIST INITIALS

RF-16469 (Rev 9-92)

4

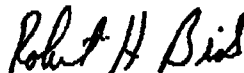
Terry Ten Eyck
94-DOE-09280

3

NOV 03 1994

Please review the enclosed information. If you should have any questions at all, please call me; Robert Birk, at 966-5921. I will make whatever arrangements are necessary to answer your questions or concerns. Again, we extend our appreciation for your assistance in this project.

Sincerely,



Robert H. Birk
Operable Unit No. 3 Project Manager
Environmental Restoration

Enclosure

cc w/o Enclosure:
Administrative Record

PT16092, PT18692, PT15992 & TR02992



92 RF 7991



EG&G ROCKY FLATS, INC
ROCKY FLATS PLANT, P O BOX 464 GOLDEN, COLORADO 80402 0464 • (303) 966 7000

DIST	LTR	ENC
BENJAMIN A		
BEPMAN H S		
BRANCH D B		
CARNIVAL G J		
COPP R D		
DAVIS J G		
EVERED J E		
FERRERA D W		
GODWIN R		
HANNI B J		
HARMAN L K		
HEALY T J		
HILBIG J C		
IDEKER E H		
KERSH J M		
KIRBY W A		
KUESTER A W		
KRIEG D		
LEE E M		
MAJESTIC J B		
MARX G E		
MCDONALD M M		
MORGAN R V		
POTTER G L		
PIZZUTO V M		
SANDLIN N B		
SHEPHERD P I		
SULLIVAN M T		
SWANSON E R		
TALLMAN K G		
WIEBE J S		
WILKINSON R B		
WILSON J M		
ZANE J O		

Arndt MB x
Gee, CB x
Guillaume, M x

For Wmitch x
CORRESPONDENT x x

CLASSIFICATION

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CONFIDENTIAL	
SECRET	

AUTHORIZED CLASSIFIER
SIGNATURE

Not Req'd per
CLASS. OFFICE
DATE

IN REPLY TO RFP CC NO

ACTION ITEM STATUS

☐ OPEN ☐ CLOSED
☐ PARTIAL

LTR APPROVALS

ORIG & TYPIST INITIALS

July 17, 1992

92-RF-7991

Terry TenEyck
c/o Carlson Assoc, Inc
11990 Grant Street
Northglenn, CO 80233

USE AGREEMENT FOR OFFSITE SAMPLING - MG-030-92

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Sincerely,

M Guillaume, OU 3 Manager
EM/Remediation Programs Division

cet

Enclosures
As Stated

cc
Administrative Record

EG&G ROCKY FLATS, INC
ROCKY FLATS PLANT, P O BOX 464, GOLDEN, COLORADO 80402 0464 • (303) 966 7000

93-RF-0222

Attn: S. Schiesswohl

**TRANSFER OF OFFSITE ACCESS PERMITS FOR OU 3 REMEDIAL INVESTIGATION FIELD WORK-
RLB-004-93**

Attached are access permits obtained for the Operable Unit No. 3 (OU 3) offsite Remedial Investigation (RI) field work. As OU 3 field work progresses and involved landowners are identified, more permits will be transferred to your office for signature and archiving. Two original copies of each owner's permit are attached, one signed original should be returned to Michael Guillaume of my staff for return to the landowner.

Under Part 39 of the Interagency Agreement (IAG), the Department of Energy (DOE) is required to provide a copy of the signed agreements to EPA and CDH. After obtaining all access agreements for the OU Remedial Investigation, a copy of each permit will be provided to the regulatory agencies.

Permits for the following landowners are attached

Broomfield 400 Partnership
 - Farmers Reservoir and Irrigation Co
 James Lastoka
 Perry S McKay
 Sandor and Agnes Toth
 - Brian and Teresa Zehnder

Farmers Highline Canal and Reservoir Co
Jeffco Airpark Associates
Lutheran Medical Center
Pattndge Leyden Inc
Walnut Creek and Associates

If you have any questions regarding these permits, please call M. Guillaume of Remediation Project Management at 966-8557

R L Benedetti
Associate General Manager
Environmental Restoration Management

MG dmf

Orig and 1 cc - R M Nelson, Jr

**Attachments
As Stated**

CC
R H Birk - DOE, RFO

DIST	LTH	EM
BENJAMIN A		
BERMAN, H S		
BRANCH D B		
CARNIVAL, G J		
COPP R O		
DAVIS J G		
FERRERA DW		
HANNI B J		
HARMAN, I K		
HEALY, T J		
HILBIG J G		
IDEKER E H		
KERSH J M		
KIRBY W A		
KUESTER, A W		
LEE, E M		
MANN H P		
MARX G E		
MCDONALD, M M		
MCKENNA, F G		
MONTROSE J K		
MORGAN R V		
POTTER, G L		
PIZZATO V M		
RILEY J H		
SANDLIN N B.		
SHERIDAN, R I		
STEWART D I		
SULLIVAN M T		
SWANSON E R		
WILKINSON, R B		
WILSON, J. M.		
ZANE J O		
negatti RI	X	
TAYLOR TA		
williams MI	X	
waddy MSIX		
ORAES CONTROL	x	x
dmin. Rec.		X
PM Track'e		

CLASSIFICATION

UCVI		
JNCLASSIFIED		
CONFIDENTIAL		
SECRET		

AUTHORIZED CLASSIFIER
 SIGNATURE
 DOCUMENT CLASSIFICATION
 REVIEW WAIVER PER
 CLASSIFICATION OFFICE

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CTION ITEM STATUS
☒ OPEN ☐ CLOSED

3 PARAL

TR APPROVALS
SB: *MSB*
ORIG & TYPIST INITIALS

MG/Dir



Department of Energy

ROCKY FLATS OFFICE
P.O. BOX 928
GOLDEN, COLORADO 80402-0928

94-DOE-09280

NOV 03 1994

Terry Ten Eyck
Walnut Creek Association
C/O Carlson Assoc. Inc.
11990 Grant Street, #400
Northglenn, CO 80233

01/30/95 } C/O Walnut Carlson Assoc, Inc
PO Box 247
East Lake, CO 80614

→ WRONG ADDRESS, LETTER RETURNED TO DOE

Re: REPORT ON YOUR SOIL SAMPLE ANALYSIS - LOCATION PT 16092 and 18692

Dear Mr. Eyck:

The Department of Energy (DOE) first wishes to thank you for allowing access to Walnut Creek Association property for soil sampling. Your cooperation is greatly appreciated and essential to this important environmental investigation.

Second, DOE has received initial data from the soil samples taken from Walnut Creek as part of the ongoing Rocky Flats Plant environmental investigation. Included in this correspondence are your laboratory analysis results (Enclosure 1), results of soil analyses from background locations for comparison (Enclosure 2), and an information sheet defining technical terms used in the explanation of the data (Enclosure 3). Also included is information on types and sources of radiation (Enclosure 4A and 4B)

Your soil analysis results represent the concentration of certain radioactive materials -plutonium, americium, and uranium - found in the soils. Plutonium is primarily a result of artificial production; little naturally-occurring plutonium exists in the world. However, small amounts are found in soils throughout the world as a result of residual fallout from past global atmospheric nuclear weapons testing and space research. No nuclear weapons tests have ever been conducted at Rocky Flats. In addition to plutonium, smaller amounts of americium are found in association with plutonium. Americium is formed from the decay of plutonium and is an important component of fallout. Uranium is a naturally-occurring radioactive material found at varying concentrations throughout the United States. The Front Range of Colorado typically has relatively high and variable natural uranium in its soil compared with much of the rest of the United States. Thus all soils contain measurable amounts of background levels of plutonium, americium, and uranium from fallout and natural sources.

In addition to natural background levels and fallout sources of plutonium, americium, and uranium, the Rocky Flats Plant has used these materials in the plant's past operations. Although sample results are reported for plutonium, americium, and uranium; plutonium is considered the most important contaminant of concern in areas offsite of Rocky Flats. One purpose of the environmental investigation is to determine what range of concentrations of plutonium, americium, and uranium can be expected in this area from background sources and what amounts, if any, of these materials in soil might be attributed to past Rocky Flats activities. We greatly appreciate your assistance in helping us develop this information.

Terry Ten Eyck
94-DOE-09280

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NOV 03 1994

The analysis of soil samples from your property include measurements of the radioactivity from three elements: plutonium (Pu), americium (Am), and uranium (U). The forms or "isotopes" of the elements include $^{239/240}\text{Pu}$, ^{241}Am , $^{233/234}\text{U}$, ^{235}U , and ^{238}U . The superscript number preceding the element symbol describes the number of protons and neutrons in the nucleus of the element atom and indicates the isotope of the element. These are the primary isotopes contributing to background radioactivity and Rocky Flats Plant sources of plutonium, americium, and uranium attributed to Rocky Flats.

Two different sampling methodologies were used to sample your property. Both methodologies sampled the top surface of the soil but at slightly different depths. The Colorado Department of Public Health and Environment (CDPHE) method samples the top 1/4 inch of soil. The Rocky Flats Environmental Technology Site (Site) method samples the top 2 inches of soil. Results from both methods are reported in enclosure 1. When results from the two sampling methods are statistically compared, no difference is found. We are reporting results for both methods for completeness. Soil sample results are expressed in units of picocuries per gram of soil (pCi/g). A curie is a unit for measuring radioactivity based on the rate of radioactive disintegration. Approximately sixteen grams of plutonium will produce 1 curie of radioactive disintegration. A picocurie is a fraction of a curie equal to one-trillionth of a curie.

You will notice in enclosure 2 that the background concentrations of these radionuclides are highly variable. Deposition of radioactive fallout is not uniform, therefore the concentration found in soils is also not uniform. Large variations in concentration can occur even within a small geographic area. Fallout deposition is greatly influenced by the weather, particularly rain and snow distribution and wind patterns. Thus fallout levels increase with altitude, most likely because of higher precipitation. These factors make assessing possible offsite impacts, in low background concentration range, from the Rocky Flats operation very difficult.

To understand the analysis results from your property, comparison with existing background concentrations is valuable. Enclosure 1 reports background levels for Pu, Am, and U. Two sources of background results are listed: measurements by DOE from an area northwest of the Site and measurements by the CDPHE obtained from eastern Colorado. The CDPHE uranium analysis only measured the total uranium metal content, or sum of the isotopes, in the soil rather than specific isotopes seen in DOE's background measurements. Plutonium is our primary contaminant of concern in the areas offsite from Rocky Flats.

Your surface soil sample results will be combined with other soil, sediment, air, surface water, groundwater, and biological sample analysis results to assess the effect of Rocky Flats on offsite areas. A Remedial Investigation Report is in development to determine the nature and extent of offsite contamination and assess the potential human health risk. The expected completion date for this report is mid 1995. A draft report will be prepared by the middle of next year but will require extensive review cycles by the Environmental Protection Agency and CDPHE before final approval.